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17 Attorneys for Defendants and Counterclaimants Advanced Semiconductor Engineering, Inc.,
18 and ASE (U.S.), Inc.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 TESSERA, INC.,

CASE No. 4:05-cv-04063-CW

23 Plaintiff, Counter-defendant,

24 v.

**JOINT STIPULATION AND ORDER
CHANGING THE DATE OF UPCOMING
CASE MANAGEMENT CONFERENCE
AND RELATED DATES**

25 ADVANCED MICRO DEVICES, INC. et al.,

26 Defendants, Counter-claimants.

1 1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*
2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007
3 with respect to International Trade Commission Investigation 337-TA-605 “until the
4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008
5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the
6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”
7 and

8 2. WHEREAS, the Court issued a Related Case Order on September 11, 2008 in the
9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*
10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*
11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case
12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the
13 “Related Cases”); and

14 3. WHEREAS the Court stayed all proceedings in the Related Cases, to include all
15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the
16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and
17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-
18 TA-649 and the stipulation of the parties in the Related Cases; and

19 4. WHEREAS, by its orders of December 19, 2008 in the Related Cases and by its
20 order of January 6, 2009 in the AMD case, this Court subsequently set a Case Management
21 Conference in both the AMD case and the Related Cases for June 16, 2009 at 2:00 p.m. and
22 required that a Case Management Conference statement be filed in the AMD case one week
23 before the Conference; and

24 5. WHEREAS, the parties appearing below, by their undersigned counsel, report to
25 the Court that the current status of the pending International Trade Commission Investigation
26 337-TA-605 is that the Commission issued its Opinion and Notice of Final Determination on
27 May 20, 2009, holding that Tessera’s patents were valid and infringed; and
28

1 6. WHEREAS, the parties appearing below, by their undersigned counsel, report
2 that the Commission's Final Determination is subject to a 60-day Presidential Review Period and
3 may be appealed to the Federal Circuit by the adversely affected parties; and

4 7. WHEREAS, since a final resolution of ITC's 337-TA-605 investigation,
5 including appeals, is unlikely to occur before January 1, 2010, the parties in the AMD case and
6 in the Related Cases believe that it would be most efficient to further postpone the case
7 management conference and related activity in the AMD case and the Related Cases until at least
8 December 20, 2009; and

9 8. WHEREAS Spansion Inc. and certain of its subsidiaries, including Spansion LLC
10 and Spansion Technology LLC, filed a Notice of Commencement of Bankruptcy Proceedings
11 and of Automatic Stay in this case on March 11, 2009 and therefore do not join in this
12 Stipulation; and

13 9. WHEREAS, the parties appearing below agree that there would be no prejudice to
14 the parties in moving the case management conference, as that case is currently stayed;

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
16 parties appearing below through their undersigned respective attorneys of record, based on the
17 foregoing, and subject to the approval of this Court, that:

18 1. The case management conference currently scheduled for June 16, 2009 at 2:00
19 p.m. in the AMD shall be rescheduled for 12/22/09 at 2:00 p.m., or as soon thereafter as the
20 Court is available;

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 Dated this 8th day of June, 2009.



Honorable Claudia Wilken
United States District Judge

1 Dated: June 2, 2009

/s/

Robert E. Camors, Jr.
FOLEY & LARDNER LLP
Attorneys for defendants and counter-claimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

5 Dated: June 2, 2009

/s/

Michael Heafey
ORRICK, HERRINGTON & SUTCLIFFE
Attorneys for defendants and counter-claimants
SILICONWARE PRECISION INDUSTRIES CO.,
LTD. and SILICONWARE U.S.A.

9 Dated: June 2, 2009

/s/

Elaine Chow
K&L GATES LLP
Attorneys for defendant and counter-claimant
ADVANCED MICRO DEVICES, INC.

12 Dated: June 2, 2009

/s/

Lawrence E. Butler
SEYFARTH SHAW
Attorneys for defendants and counter-claimants
CHIPMOS TECHNOLOGIES INC. and CHIPMOS
U.S.A. INC.

15 Dated: June 2, 2009

/s/

Edward V. Anderson
SIDLEY AUSTIN LLP
Attorneys for defendants and counter-claimants
STMICROELECTRONICS N.V. and
STMICROELECTRONICS, INC.

19 Dated: June 2, 2009

/s/

David Ball
WEIL, GOTSHAL & MANGES LLP
Attorneys for defendants and counter-claimants
STATS CHIPPAC INC., STATS CHIPPAC LTD
and STATS CHIPPAC (BVI) LIMITED

23 Dated: June 2, 2009

/s/

Trevor Stockinger
IRELL & MANELLA LLP
Attorneys for plaintiff and counter-defendant
TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed
2 above.

3
4 Dated: June 2, 2009

FOLEY & LARDNER LLP

5 /s/
6 Robert E. Camors, Jr.

7 Attorneys for defendants and counter-claimants
8 ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
9 ASE (U.S.) INC.
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